

United States District Court  
Central District of California

GUSTAVO RODRIGUEZ CASTILLO,  
Plaintiffs-Petitioners,  
v.  
KIRSTJEN NIELSEN, Secretary,  
Department of Homeland Security, et al,  
Defendants-Respondents.

Case No. 5:18-cv-01317-ODW (KESx)

**AMENDED ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES [49]**

**I. INTRODUCTION**

Before the Court is a Motion for Attorneys' Fees ("Motion") filed by Plaintiffs Gustavo Rodriguez Castillo ("Castillo"), Gabriela M. Lopez ("Lopez"), and Immigrant Defenders Law Center ("IDLC") (collectively "Plaintiffs") seeking \$190,718.89 in fees and costs from Defendants pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (*See* Mot., ECF No. 49.) For the reasons discussed below, the Court **GRANTS** Plaintiffs' Motion.

**II. BACKGROUND**

The Court recited this case's facts in its Temporary Restraining Order and Order to Show Cause ("TRO") and incorporates that discussion here. (*See* TRO, ECF No. 10.) Plaintiffs brought this action on June 19, 2018, to challenge practices concerning civil immigration detainees held at FCI Victorville Medium Security

1 Prison (“FCI Victorville”), a federal correctional facility used to house convicted  
 2 criminals. (*See generally* Compl., ECF No. 1.) On or about June 4, 2018, the Bureau  
 3 of Prisons (“BOP”) received hundreds of immigration detainees for temporary  
 4 housing in FCI Victorville. (Compl. ¶ 17; *see also* Decl. of Jess Pino (“Pino Decl.”)  
 5 ¶ 3, ECF No. 7-1.) The federal government began transferring detainees to FCI  
 6 Victorville on or about June 8, 2018. (Compl. ¶ 19.)

7 Detainees were incarcerated pending a screening known as a “credible fear”  
 8 interview and, if found to have a “credible fear,” pending immigration court  
 9 proceedings. (Compl. ¶ 20.) Due to the volume of detainees, medical screenings, and  
 10 other administrative tasks, Defendants did not finalize attorney visitation procedures  
 11 until June 19, 2018. (Pino Decl. ¶ 5.) Consequently, detainees at FCI Victorville  
 12 could not consult an attorney before June 19, 2018. (Compl. ¶ 22.)

13 Here, Castillo was held as a detainee, Lopez served as Castillo’s attorney, and  
 14 IDLC is a nonprofit organization that provided legal services to detained immigrants.  
 15 (Compl. ¶¶ 5–7.) On June 19, 2018, Plaintiffs filed their Complaint and sought a  
 16 TRO. Plaintiffs’ Complaint alleged that Defendants’ denial of attorney access  
 17 violated their due process rights and First Amendment rights, and Defendants’  
 18 policies regarding access to attorneys violated the Administrative Policy Act and the  
 19 Immigration and Nationality Act. (Compl. ¶¶ 52–69.) Plaintiffs’ TRO sought to:  
 20 (1) permit Lopez to meet with Castillo; (2) permit other detainees at FCI Victorville to  
 21 communicate with attorneys; (3) permit the IDLC to conduct “know your rights”  
 22 training for the detainees at FCI Victorville; and (4) stop immigration proceedings at  
 23 FCI Victorville, or deportation of any such detainees, until they could consult an  
 24 attorney and attend an IDLC training. (*See* Pls.’ Ex. Parte Appl. (“Ex Parte”), ECF  
 25 No. 4.)

26 Defendants opposed on June 20, 2018. (Opp’n to Ex Parte, ECF No. 7.)  
 27 Defendants affirmed that they were “acutely aware of the need to allow” attorney  
 28 visitation and that it had “now implemented procedures” for attorneys to visit with

1 detainees. (Pino Decl. ¶ 7.) Defendants also provided details concerning the  
 2 implemented procedures for attorney visitation. (Pino Decl., Ex. A (“Mem. for  
 3 FCI”).) Namely, Defendants’ new policies permitted attorney visitations to occur in a  
 4 single visitation room, Tuesday through Friday from 8:30 a.m. to 3:00 p.m., and only  
 5 if the visiting attorney and individuals accompanying the attorney successfully  
 6 completed the necessary paperwork. (Mem. for FCI.) In their reply, Plaintiffs argued  
 7 these policies did not ensure sufficient visitation, provide adequate “know your rights”  
 8 training, or guarantee that Defendants would not proceed with detainees’ cases until  
 9 they had access to counsel. (Reply to Opp’n to Ex Parte, ECF No. 8.)

10 On June 21, 2018, the Court issued the TRO and an order to show cause why a  
 11 preliminary injunction should not issue. (TRO 7.) The TRO decided that in-person  
 12 communications may proceed according to the protocols Defendants provided and  
 13 required Defendants to:

- 14     (1) Permit Lopez to conduct an attorney-client conversation with Castillo;
- 15     (2) Permit other FCI Victorville detainees to communicate with attorneys;
- 16     (3) Permit IDLC to conduct “know your rights” trainings at FCI Victorville; and
- 17     (4) Refrain from immigration proceedings or deportations until detainees could  
               consult an attorney or attend “know your rights” training.

18 (TRO 6–7.)

19 In their Response and Request to Dissolve the TRO, Defendants argued “there  
 20 is a perfectly valid and reasonable explanation for” initially denying attorney access  
 21 and then allowing restricted visitation: “[n]amely, the facility only just began housing  
 22 immigrants immediately prior to the outset of the litigation.” (Defs.’ Resp. and Req.  
 23 Dissolve TRO (“Resp.”) 18, ECF No. 20.) Yet, Defendants did not address Plaintiffs’  
 24 allegations concerning their due process or First Amendment claims. (Resp. 18.)

25 Thereafter, the Court held a hearing on the order to show cause on July 30,  
 26 2018. (Min. of TRO Hr’g, ECF No. 22.) After being updated on Defendants’ lack of  
 27 progress, the Court told the parties “we’re going to make meaningful progress or I am

1 going to draft a preliminary injunction.” (See Decl. of Michael Kaufman (“Kaufman  
 2 Decl.”), Ex. F (“Hr’g Tr.”) 39, 48, ECF No. 54-1.) Defendants assured the Court that  
 3 they would make progress in satisfying the conditions of the TRO and not “simply  
 4 move people to Adelanto [to] fast track removal proceeding[s],” and thus would not  
 5 require a court issued preliminary injunction. (See Hr’g Tr. 40.)

6 The parties then stipulated to extend the TRO for two weeks to pursue  
 7 settlement, and later stipulated to extend the TRO two more times. (ECF Nos. 23, 28,  
 8 34.) The parties then came to an impasse and stipulated on August 27, 2018 to extend  
 9 the TRO pending the Court’s consideration of whether a preliminary injunction should  
 10 issue. (ECF No. 37.) The Court approved the parties’ stipulation and ordered them  
 11 to file a joint status report concerning whether a preliminary injunction should issue.  
 12 (ECF No. 38.) The parties filed their joint status report on August 29, 2018. (Status  
 13 Report, ECF No. 39.) In the report, Defendants: (1) noted that FCI Victorville had  
 14 decreased its detainee population to 202 and taken no new detainees since July 24,  
 15 2018; (2) described new visitation policies and implementation of Court-ordered  
 16 “know your rights” training; and (3) concluded that if “the Court is inclined to grant  
 17 Plaintiff a preliminary injunction based on this status report, Defendants request  
 18 instead that the Court set this matter for hearing in 30 days...” (See generally Status  
 19 Report.) After reviewing the parties’ submissions, the Court set a preliminary  
 20 injunction hearing for October 19, 2018. (ECF No. 40.)

21 On September 28, 2018, Defendants filed their Opposition to Plaintiffs’ Motion  
 22 for Preliminary Injunction, affirming that they had transferred all immigration  
 23 detainees out of FCI Victorville effective September 14, 2018 and would no longer  
 24 hold immigration detainees at the facility. (See Defs.’ Opp’n to Mot. for Prelim. Inj.  
 25 4, ECF No. 41.) Afterwards, on October 10, 2018, Plaintiffs filed a Notice of  
 26 Withdrawal of their Motion for a Preliminary Injunction. (ECF No. 42.) The Court  
 27 granted that request and vacated the hearing. (ECF No. 43.)  
 28

1       On October 30, 2019, the parties filed a Joint Stipulation to Voluntarily Dismiss  
2 the Case Without Prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).  
3 (ECF No. 48.) The Court dismissed all claims without prejudice and closed the case.  
4 (ECF No. 58.) Plaintiffs now seek fees incurred from June 18, 2018 through  
5 December 9, 2019. (*See* Mot.; Pls.’ Reply, ECF No. 59.)

### 6                   **III.    LEGAL STANDARD**

#### 7                   **A.    Attorneys’ Fees Under the EAJA.**

8       Pursuant to the EAJA, federal courts are authorized to award attorneys’ fees,  
9 court costs, and other expenses. *See* 28 U.S.C. § 2412(a)(1); 28 U.S.C. § 2412(d);  
10 *Hardisty v. Astrue*, 592 F.3d 1072, 1076 (9th Cir. 2010). For the district court to  
11 award attorney’s fees and costs pursuant to the EAJA, it must be shown that (1) the  
12 plaintiff is the prevailing party, (2) the government has not met its burden of showing  
13 that its positions were substantially justified or that special circumstances make an  
14 award unjust, and (3) the requested attorney’s fees and costs are reasonable. *Murgolo*  
15 *v. Astrue*, 257 F. App’x 53, 54 (9th Cir. 2007).

16      A litigant must meet two criteria to qualify as a “prevailing party” under the  
17 EAJA. *Buckhannon Bd. and Care Home, Inc. v. W. Va. Dep’t of Health and Human*  
18 *Res.*, 532 U.S. 598, 604 (2001). First, the litigant must achieve a “material alteration  
19 of the legal relationship of the parties.” *Carbonell v. I.N.S.*, 429 F.3d 894, 898 (9th  
20 Cir. 2005). Second, that alteration must be “judicially sanctioned.” *Id.* (citations  
21 omitted). The Ninth Circuit has “previously held that when a plaintiff wins a  
22 preliminary injunction and the case is rendered moot before final judgment, either by  
23 the passage of time or other circumstances beyond the parties’ control, the plaintiff is  
24 a prevailing party eligible for a fee award.” *Higher Taste, Inc. v. City of Tacoma*, 717  
25 F.3d 712, 717 (9th Cir. 2013) (citations omitted).

26      The burden of proving the substantial justification exception to the mandatory  
27 award of fees under the EAJA lies with the government. *Love v. Reilly*, 924 F.2d  
28 1492, 1495 (9th Cir. 1991). “Substantial justification” is defined as:

1       justified in substance or in the main – that is, justified to a degree that  
2       could satisfy a reasonable person. [This standard] is no different from the  
3       “reasonable basis in both law and fact” formulation adopted by the Ninth  
4       Circuit and the vast majority of other Courts of Appeals that have  
      addressed this issue.

5       *Pierce v. Underwood*, 487 U.S. 552, 565 (1988).

6       In determining the reasonableness of the government’s position under the  
7       “totality of the circumstances” test, the court reviews the underlying governmental  
8       action being defended and the positions taken by the government in the litigation  
9       itself. *Gutierrez v. Barnhart*, 274 F.3d 1255, 1259 (9th Cir. 2001).

10      “The amount of attorneys’ fees awarded under EAJA must be reasonable.”  
11     *Nadarajah v. Holder*, 569 F.3d 906, 910 (9th Cir. 2009). Attorney’s fees for hours  
12     that are not “reasonably expended” or that are “excessive, redundant, or otherwise  
13     unnecessary” are not compensable. *Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983).  
14      “[C]ourts should generally defer to the ‘winning lawyer’s professional judgment as to  
15     how much time he was required to spend on the case.’” *Costa v. Comm’r of Soc. Sec.*  
16     *Admin.*, 690 F.3d 1132, 1136 (9th Cir. 2012) (citations omitted).

#### 17                  IV. DISCUSSION

18       Plaintiffs assert that they are entitled to \$190,718.89 in fees and costs under the  
19       EAJA. (*See* Mot.; Reply.) Defendants respond that the Court should deny Plaintiffs’  
20       Motion as: (1) Plaintiffs were not prevailing parties; (2) Defendants position was  
21       substantially justified; and (3) Plaintiffs’ fees are unreasonable and should be reduced.  
22     (*See* Opp’n to Mot. (“Opp’n”), ECF No. 57.)

##### 23       A. Prevailing Party

24       Plaintiffs argue that they are prevailing parties because the TRO and its  
25       extensions, created a “material alteration in the legal relationships between the  
26       parties,” which was “judicially sanctioned.” (Mot. 8–9.) Defendants oppose by  
27       asserting that the remedial actions it took, after the Complaint was filed, made it “not  
28       necessary for Plaintiffs to continue to seek a TRO.” (Opp’n 3.) Defendants further

1 argue that fees are improper due to the abbreviated schedule for opposing the TRO  
 2 and as the Court never expressly ruled that Plaintiffs were likely to succeed on the  
 3 merits. (Opp'n 3.) Finally, Defendants argue that without court intervention, the  
 4 procedures implemented at FCI Victorville and the transfer of detainees from FCI  
 5 Victorville would have occurred. (Opp'n 3.)

6 The Court rejects Defendants' arguments. Foremost, the actions cited by  
 7 Defendants—know your rights training and communication between Lopez and  
 8 Castillo—occurred only after the TRO issued. (Opp'n 2–5.) In fact, they were  
 9 mandated by the TRO. (See TRO 6–7.) Defendants assertion that they immediately  
 10 complied with the TRO does not disprove that Plaintiffs are prevailing parties.  
 11 Rather, it is evidence that Plaintiffs prevailed. *Shapiro v. Paradise Valley Unified*  
 12 *Sch. Dist. No. 69*, 374 F.3d 857, 865 (9th Cir. 2004) (“[E]ssentially, in order to be  
 13 considered a ‘prevailing party’ after *Buckhannon*, a plaintiff must not only achieve  
 14 some material alteration of the legal relationship of the parties, but that change must  
 15 also be judicially sanctioned.”) (internal quotations and citations omitted). Here,  
 16 despite Defendants moving to dissolve it, the Court’s three orders extending the TRO,  
 17 further demonstrates that Defendants’ remedial actions were “judicially sanctioned.”  
 18 Accordingly, Plaintiffs are prevailing parties with regards to the TRO and any ensuing  
 19 litigation to enforce it. See *Carbonell*, 429 F.3d at 901 (“[W]hen a court incorporates  
 20 the terms of a voluntary agreement into an order, that order is stamped with sufficient  
 21 ‘judicial imprimatur’ for the litigant to qualify as a prevailing party for the purpose of  
 22 awarding attorney’s fees.”).

23 Defendants’ argument that the Court never expressly found that Plaintiffs were  
 24 likely to succeed on the merits—also fails; clearly, by granting the TRO, the Court  
 25 determined that Plaintiffs were likely to succeed on the merits. (See TRO 5.)  
 26 Likewise, the proceedings’ expedited nature is irrelevant to whether Plaintiffs were  
 27 prevailing parties, Plaintiffs achieving a TRO on a necessarily abbreviated timeline is  
 28 sufficient to create a “judicially sanctioned,” “material alteration in the legal

1 relationships between the parties.” *Int’l Refugee Assistance Project v. Kelly*, 2017  
 2 WL 3263870, at \*4 (C.D. Cal. July 27, 2017) (determining plaintiffs as the prevailing  
 3 party even though TRO was issued on the same day that the TRO motion was made).

4 Finally, Defendants’ attempt to attribute adoption of Plaintiffs’ requested  
 5 changes to their uncoerced decision-making—is contrary to the record. Plainly, the  
 6 TRO, the Court-ordered extensions, and litigation necessitating Plaintiffs’ fees, while  
 7 the TRO was in effect, make clear that Court involvement, not Defendants’ discretion,  
 8 produced the changes that resulted in voluntary dismissal. *Higher Taste, Inc.*, 717  
 9 F.3d at 717 (“The defendant’s action in rendering the case moot ensures that the  
 10 [preliminary] injunction’s alteration of the parties’ legal relationship will not be  
 11 undone by subsequent rulings in the litigation.”); *see also Int’l Refugee Assistance*  
 12 *Project*, 2017 WL 3263870, at \*4 (“[T]hat [the government] retained discretion” to  
 13 implement immigration policies following temporary restraining order “does not mean  
 14 that Petitioners cannot be the prevailing party.”).

15 Hence, Plaintiffs were prevailing parties under the EAJA.

## 16 **B. Substantially Justified Position**

17 Defendants bear the burden to establish that their position, which includes both  
 18 their underlying conduct and arguments during litigation, was substantially justified  
 19 under the “totality of the circumstances.” *Gutierrez*, 274 F.3d at 1259. The  
 20 underlying conduct here is primarily Defendants’ decision to hold hundreds of civil  
 21 immigration detainees for approximately two weeks without access to counsel.  
 22 (TRO 6 (“[T]he parties do not dispute that many of the detainees were without access  
 23 to legal communication for as many as 9 to 13 days, possibly longer in Castillo’s case.  
 24 Defendants have made no representations regarding the status of removal proceedings  
 25 for those detainees who have not had access to counsel.”).)

26 Defendants do not and cannot dispute that holding civil immigration detainees  
 27 incommunicado for such prolonged periods implicates due process concerns.  
 28 *Halvorsen v. Baird*, 146 F.3d 680, 688 (9th Cir. 1998) (“There is a well established

1 tradition against holding prisoners incommunicado in the United States.”) Instead,  
 2 Defendants argue that circumstances at FCI Victorville delayed their ability to ensure  
 3 due process, pointing to previously discussed measures taken in response to the  
 4 Complaint and TRO. (Opp’n 5–7.) However, Defendants’ pre-litigation conduct  
 5 necessitated this lawsuit, and their lack of progress, post-TRO, required protracted  
 6 extension of the TRO until Defendants transferred all detainees, an action finally  
 7 taken on the eve of potential injunctive relief. (See Hr’g Tr. 39 (“I am going to be  
 8 convinced that we’re going to make meaningful progress or I am going to draft and  
 9 enter a preliminary injunction that, well, somebody’s not going to like.”); see also  
 10 Status Report 14 (“In the event that the Court is inclined to grant Plaintiff a  
 11 preliminary injunction based on this status report, Defendants request instead that the  
 12 Court set this matter for hearing in 30 days...”).)

13 Defendants’ assertion that confining detainees at a facility for convicted  
 14 criminals complicated access to counsel does not justify Defendants’ position.  
 15 Instead, it is an indictment of their decision to house them there in the first place.  
 16 *Colindres-Aguilar v. INS*, 819 F.2d 259, 261 n.1 (9th Cir. 1987) (noting an  
 17 immigrant’s right to counsel is a statutory right under 8 U.S.C. § 1362, as well as a  
 18 right protected by the due process clause). This underlying action, alone, warrants a  
 19 finding that Defendants’ position was not substantially justified, regardless of  
 20 arguments made during litigation. *United States v. Marolf*, 277 F.3d 1156, 1163–64  
 21 (9th Cir. 2002) (“A reasonable litigation position does not establish substantial  
 22 justification in the face of a clearly unjustified underlying action.”) (citing *Wilderness  
 23 Soc’y v. Babbitt*, 5 F.3d 383, 388–89 (9th Cir. 1993) (holding government was not  
 24 substantially justified despite reasonable defense in litigation); *Andrew v. Bowen*, 837  
 25 F.2d 875, 877–80 (9th Cir. 1988) (same)).

26 The Court therefore concludes that Defendants have not established their  
 27 position was substantially justified.

28

1     **C. Reasonable Attorneys' Fees and Costs**

2         Plaintiffs seek \$190,718.89 in fees and costs incurred from June 18, 2018  
 3 through December 9, 2019, when Plaintiffs filed the Reply.<sup>1</sup> (*See* Reply 8–12.)  
 4 Plaintiffs seek enhanced rates for attorneys Arulanantham (\$785 for 2018 and \$810  
 5 for 2019); Kaufman (\$620 for 2018 and \$645 for 2019); and Bitran (\$450 for 2018  
 6 and \$480 for 2019) and statutory rates for the remaining attorneys. (Mot. 16 (citing  
 7 28 U.S.C. § 2412(d)(2)(A)(ii)).) Defendants argue the underlying dispute was not  
 8 complex and thus did not require the specialized skill necessary to justify enhanced  
 9 rates. (Opp'n 8–9.)

10         “The Ninth Circuit has specifically recognized that Mr. Arulanantham’s  
 11 knowledge and skill warrant enhanced rates under the EAJA for his work litigating the  
 12 constitutional rights of detained immigrants.” *Arroyo v. United States Dep’t of*  
*13 Homeland Sec.*, No. SACV 19-815 JGB (SHKx), 2020 WL 1228665, at \*6 (C.D. Cal.  
 14 Jan. 2, 2020) (citing *Nadarajah v. Holder*, 569 F.3d 906, 914 (9th Cir. 2009)). Here,  
 15 as in other instances recognized by the Ninth Circuit, counsels’ undisputed expertise  
 16 on issues of statutory construction, detainee rights, and effective advocacy in this  
 17 challenging context was needed to effectively pursue the emergency relief their clients  
 18 obtained. *Nadarajah*, 569 F.3d at 915 (“Nadarajah has established and the record  
 19 shows that... Arulanantham... possessed ‘distinctive knowledge’ and ‘specialized  
 20 skill’ that was ‘needful to the litigation in question.’”) (citation omitted).

21         Plaintiffs cite extensive evidence establishing the specialized expertise of  
 22 Arulanantham, Kaufman, and Bitran; moreover, Defendants fail to rebut this evidence.  
 23 *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 980 (9th Cir. 2008) (“The party  
 24 opposing the fee application has a burden of rebuttal that requires submission of  
 25 evidence ... challenging the accuracy and reasonableness of the ... facts asserted by the  
 26 prevailing party in its submitted affidavits.”) (citations omitted). For example,

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27         <sup>1</sup> Defendants do not dispute Plaintiffs’ costs of \$999.38, thus, the Court finds that these costs are  
 28 well-documented, reasonable, and therefore shall be recovered. 28 U.S.C. § 2412(d)(1)(A).

1 Defendants do not dispute Stanford Law Professor Jayashri Srikantiah’s evidence-  
 2 based opinion that “this case would [not] have been successful without the particular  
 3 knowledge and specialized skill that Mr. Arulanantham, Mr. Kaufman, and Ms. Bitran  
 4 brought to this litigation.” (Decl. of Jayashri Srikantiah, ECF No. 52 ¶ 8.) They  
 5 similarly do not dispute well-grounded evidence that the rates Plaintiffs seek are equal  
 6 to market-based rates for comparable services. (*See, e.g.*, Kaufman Decl. ¶¶ 32–34.)  
 7 As such, the Court finds that Plaintiffs’ requested enhanced rates are reasonable and  
 8 justified considering the expertise needed to effectively litigate Plaintiffs’ case.

9 Defendants also object to Plaintiffs’ specific bills, claiming they are wasteful  
 10 and redundant. (Opp’n 7–9.) Defendants argue that Ms. Bitran’s discussion of case  
 11 issues with a Congressman is not recoverable, but Plaintiffs attest to the need for this  
 12 discussion, which the Ninth Circuit has held that such expenses are recoverable.  
 13 *Gilbrook v. City of Westminster*, 177 F.3d 839, 877 (9th Cir. 1999) (“Prevailing civil  
 14 rights counsel are entitled to fees for ‘press conferences and performance of other  
 15 lobbying and public relations work’ when those efforts are ‘directly and intimately  
 16 related to the successful representation of a client.’”). The Court also finds that hours  
 17 for “mass representation” and presentations that educated local immigration attorneys,  
 18 about post-TRO practices for visiting FCI Victorville, are likewise “directly and  
 19 intimately related to successful representation of” detainees. *Id.* These efforts were  
 20 necessary to facilitate access to counsel. *Id.*

21 Defendants further object to Ms. Bitran’s presence at the July 30, 2018 hearing,  
 22 arguing that the presence of two attorneys was unnecessary given the hearing’s  
 23 agenda. (Opp’n 9.) However, the Ninth Circuit has held that two attorneys attending  
 24 an important hearing, such as the July 30, 2018 hearing, is not redundant. *Probe v.*  
 25 *State Teachers’ Ret. Sys.*, 780 F.2d 776, 785 (9th Cir. 1986) (“In an important class  
 26 action litigation [], the participation of more than one attorney does not constitute an  
 27 unnecessary duplication of effort.”). Defendants’ unfounded argument is further  
 28

1 undermined by the presence of its own two attorneys at the same proceeding.  
 2 (Reply 10.)

3 Defendants object to other various bills which Defendants perceive to be  
 4 excessive given the purported lack of complexity involved in the tasks. (Opp'n 8–10.)  
 5 For example, Defendants point to ten hours billed for the TRO, over thirty hours for a  
 6 twelve-page brief, and five hours for Plaintiffs' reply in further support of the motion  
 7 that resulted in the TRO. (Opp'n 8–10.) There is insufficient evidence before the  
 8 Court to find these hours excessive or redundant. *Rutti v. Lojack Corp.*, No. SACV  
 9 06-350 DOC (JCx), 2012 WL 3151077, at \*2 (C.D. Cal. July 31, 2012) (“To reduce  
 10 the number of hours worked, “it must appear that the time claimed is obviously and  
 11 convincingly excessive under the circumstances.”) (citations omitted). This is  
 12 particularly true where, as here, the hours expended, and the proceedings’ hectic  
 13 nature were necessitated by Defendants. *Int'l Refugee Assistance Project*, 2017 WL  
 14 3263870, at \*7 (“Petitioners’ ‘all hands on deck’ strategy was not only  
 15 understandable, it was likely a necessity... The Court declines to penalize Petitioners  
 16 for operating as they did within the rushed timetable Respondents created.”)

17 Finally, Defendants object to the hours billed by Mr. Arulanantham, claiming  
 18 the billing entries are ambiguous and the work unnecessary. (Opp'n 8 (citing bills for  
 19 “warehousing,” habeas cases, “reinstatement,” conversations with Federal Public  
 20 Defender and other attorneys).) In response, Mr. Arulanantham submitted a  
 21 declaration establishing the background of each disputed bill, and why the work was  
 22 necessary to prosecute Plaintiffs’ case. (See Decl. of Ahilan Arulanantham ¶¶ 5–9,  
 23 ECF No. 61.) Because the Ninth Circuit instructs district courts to “defer to the  
 24 ‘winning lawyer’s professional judgment as to how much time he was required to  
 25 spend on the case,’” the Court finds that this declaration is sufficient to overrule  
 26 Defendants’ objection. *Costa*, 690 F.3d at 1136 (citations omitted). Such deference is  
 27 further supported by the excellent outcome that resulted from counsels’ zealous and  
 28

1 competent advocacy. *Hensley*, 461 U.S. at 435 (“Where a plaintiff has obtained  
2 excellent results, his attorney should recover a fully compensatory fee.”)

3 Accordingly, the Court finds the request for \$190,718.89 in fees and costs to be  
4 well-documented and reasonable.

5 **V. CONCLUSION**

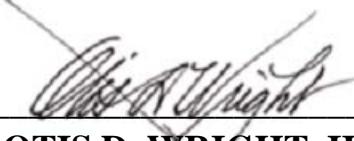
6 For the reasons discussed above, the Court **GRANTS** Plaintiffs’ Motion for  
7 Attorneys’ Fees. (ECF No. 49.) Plaintiffs’ counsels are awarded \$190,718.89.

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9 **IT IS SO ORDERED.**

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11 June 1, 2020

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13 **OTIS D. WRIGHT, II**  
14 **UNITED STATES DISTRICT JUDGE**

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